

REMARKS

Claims 75-89, 92-105, 108, 110-115, 117-123, and 126 are pending in this application, of which claims 75, 92, and 110 are independent. Claims 90, 91, 106, 107, 109, 116, 124, 125, and 127 are canceled without prejudice or disclaimer of their subject matter. Claims 75-89, 92-105, 108, 110-115, 117-123, and 126 are amended. This amendment does not add any new matter. Applicant respectfully requests favorable reconsideration and allowance of all pending claims in view of the following remarks.

CLAIM OBJECTION

On page 2, the Office Action objects to claim 91 as dependent upon a canceled claim. As amended, claim 91 depends from independent claim 75. Accordingly, Applicant respectfully requests withdrawal of the objection to claim 91.

REJECTIONS UNDER 35 U.S.C. § 101

On page 2, the Office Action rejects claims 109 and 127 under 35 U.S.C. § 101 as allegedly directed to non-statutory subject matter. Claims 109 and 127 are hereby canceled. Accordingly, Applicant respectfully requests withdrawal of the rejections of claims 109 and 127 under 35 U.S.C. § 101.

REJECTIONS UNDER 35 U.S.C. § 102(b)

On pages 3-12, the Office Action rejects claims 75, 76, 78-80, 90-93, 95-97, 106-113, 116, and 124-127 under 35 U.S.C. § 102(b) as allegedly anticipated by Pub. No. US2002/0062375 to Teodosiu et al (hereinafter "Teodosiu").

Independent claim 75 recites: "identifying, with an Internet Service Provider (ISP) router, whether messages in the first network portion are peer-to-peer messages or other messages" (emphasis added). Similar subject matter appears in independent claims 92 and 110. The published version of the specification provides support for this subject matter, for example, in paragraph [0065]. Applicant respectfully submits that the references of record, alone or in combination, fail to disclose, suggest, or teach this subject matter.

On page 3, the Office Action describes how Teodosiu performs actions based upon whether a client device is compatible with a gate server. Applicant respectfully submits that this is entirely unrelated to determining whether traffic contains peer-to-peer messages. Moreover, Teodosiu is silent regarding an ISP router that can identify peer-to-peer messages.

Independent claim 75 recites: "routing all peer-to-peer messages . . . to a gateway" (emphasis added). Similar subject matter appears in independent claims 92 and 110. The published version of the specification provides support for this subject matter, for example, in paragraph [0058]. Applicant respectfully submits that the references of record, alone or in combination, fail to disclose, suggest, or teach this subject matter.

On page 3, the Office Action relies upon Teodosiu's disclosure, in paragraph [0039], that "external network traffic 125 is directed to realm 150 through gate server 120." In response, Applicant respectfully submits that Teodosiu does not disclose that all peer-to-peer messages are routed to the gate server. Moreover, Teodosiu actually teaches away from this concept because the gate server allows a client device "to directly access the resource on its own" when the client device is compatible with the peer hosting the resource. Thus, Teodosiu clearly would not route all peer-to-peer message through the gateway.

Independent claim 75 further recites: "controlling transport of said peer-to-peer messages at said gateway to limit propagation of said peer-to-peer messages into said second network portion, without limiting propagation of the other messages into the second network portion" (emphasis added). Similar subject matter appears in independent claims 92 and 110. The published version of the specification provides support for this subject matter, for example, in paragraph [0065]. Applicant respectfully submits that the references of record, alone or in combination, fail to disclose, suggest, or teach this subject matter.

On page 3, the Office Action relies upon Teodosiu's disclosure, in paragraph [0039], that the gate server "may take any number of actions" if a client device is not compatible. In response, Applicant respectfully submits that Teodosiu's teachings are related to compatibility of client devices, not whether network traffic contains peer-to-peer messages. Teodosiu does not directly route non-P2P traffic to the Internet while limiting the flow of peer-to-peer messages.

For the reasons listed above, Applicant respectfully submits that independent claims 75, 92, and 110 are allowable over the references of record. Claims 76, 78-80, and 91 depend from claim 75. Claims 93, 95-97, 106, and 108 depend from claim 92. Claims 111-113, and 126 depend from claim 110. Thus, claims 76, 78-80, 91, 93, 95-97, 106, 108, 111-113, and 126 are allowable at least due to their respective dependencies from allowable claims. Claims 90, 91, 106, 107, 109, 116, 124, 125, and 127 are canceled.

Accordingly, Applicant respectfully requests withdrawal of the rejections of claims 75, 76, 78-80, 90-93, 95-97, 106-113, 116, and 124-127 under 35 U.S.C. § 102(b).

REJECTIONS UNDER 35 U.S.C. § 103(a)

On pages 12-17, the Office Action rejects claims 77, 81, 83, 94, 98, 100, 114, 117, and 123 under 35 U.S.C. § 103(a) as allegedly unpatentable over Teodosiu. On pages 18-28, the Office Action rejects claims 82, 84-89, 99, 101-105, 115, and 118-122 under 35 U.S.C. § 103(a) as allegedly unpatentable over Teodosiu in view of various secondary references.

Applicant respectfully submits that the secondary references fail to remedy the deficiencies of Teodosiu described above.

Claims 77, 81, and 83 depend from claim 75. Claims 94, 98, and 100 depend from claim 92. Claims 114, 117, and 123 depend from claim 110. Thus, claims 77,

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81, 83, 94, 98, 100, 114, 117, and 123 are allowable at least due to their respective dependencies from allowable claims.

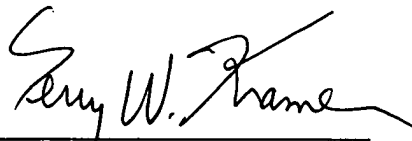
Accordingly, Applicant respectfully requests withdrawal of the rejections of claims 77, 81-89, 94, 98-105, 114, 115, and 117-123 under 35 U.S.C. § 103(a).

CONCLUSION

Applicant submits that all pending claims of this application stand in condition for allowance. Should the Examiner have any further comments or suggestions, though, Applicant respectfully requests that the Examiner telephone the undersigned attorney to expeditiously resolve any outstanding issues.

In the event the fees submitted prove insufficient in connection with the filing of this paper, please charge our Deposit Account Number 50-0578 and please credit any excess fees to such Deposit Account.

Respectfully submitted,
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